

Serial No. 10/600,359
Amendment date June 6, 2007
Reply to Office Action of January 9, 2007

REMARKS

**Reconsideration And Allowance
Are Respectfully Requested.**

Claims 1, 6, 11, 12 and 13 are currently pending. Claims 2-5 and 7-10 were previously cancelled. Claim 1 has been amended. No new matter has been added. No new claims have been added. Reconsideration is respectfully requested.

With regard to the rejections based upon references cited by the Examiner, claims 1, 6 and 11-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0082733 to Boyden et al. (Boyden) in view of U.S Patent No. 6,129,276 to Jelen et al. (Jelen). This rejection is respectfully traversed in view of the preceding amendments and the remarks which follow.

In particular, Applicants have amended claim 1 so as to define a system for the distribution of available flavors offered by an operator of the system. The system includes a plurality of consumer work stations linked to a central processing hub. The central processing hub includes means for providing consumers with information regarding flavors. The means for providing includes a flavor search system through which a consumer may identify a desired flavor based upon a series of input criteria. The criteria include flavor descriptors, flavor legal status chosen from the group consisting of artificial, natural and artificial, natural flavor, natural type and natural WONF, and usage categories selected from the group consisting of bakery, dairy, beverage, confections and oral care. The flavor search system is associated with the central processing hub and includes means for searching available flavors based upon flavor descriptors, flavor legal status and usage categories. The flavor search system also provides a

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search result list of available flavors fulfilling the favor descriptor, flavor legal status and usage category requirements.

In contrast to the claimed invention, and as discussed in the amendment filed April 25, 2006, it is Applicants' opinion Boyden merely discloses a system for ordering flavors and/or fragrances. As such, Boyden does not offer a search system as claimed, but appears to merely provide a system whereby consumers may input flavor criteria for subsequent made-to-order manufacturing. Therefore, Boyden apparently discloses a made-to-order system, while the present invention sets forth a flavor ordering system based upon a parametric search mechanism.

The Office Action appears to agree with this assessment and attempts to remedy the deficiencies of Boyden through the teachings of Jelen. However, and in contrast to both the present invention and the disclosure of Boyden, Jelen discloses a shopping cart mounted portable data collection device. The system is designed for acquiring shopping list information. The system utilizes a remote communicator which provides for remote data interchange between a base unit and an associated consumer list. The list is built with data obtained directly from indicia associated with either a product or from secondary sources such as coupons associated with purchases. Referring to Column 12, lines 51-60, Jelen does disclose a mechanism for searching but is completely inapposite to that of the applicant's claimed invention. The search mechanism allows an individual to search by either title or ingredient. Where an ingredient search is required, "the host searches the recipe database at step 342 and returns the recipe search page with a list of matching recipes in scrollable field 370 at step 346. Alternatively, if a title word search [sic], the host searches the recipe database at step 344 and returns the recipe search page with the list of matching recipes in scrollable field 370 at step 346." This is entirely unrelated to the flavor based systems disclosed by Boyden and claimed in accordance with the present invention. As such, it is

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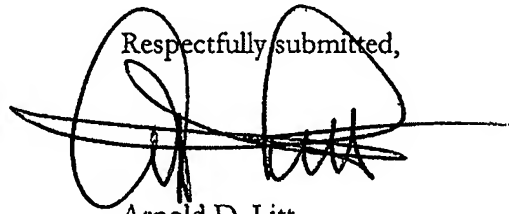
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Applicants' opinion Boyden would not look to the disclosure of Jelen for modifying the device disclosed in the '733 publication. In addition, neither Jelen nor Boyden disclose a search system including "means for searching available flavors based upon flavor descriptors, flavor legal status and usage categories and providing a search result list of available flavors fulfilling the flavor descriptor, flavor legal status and usage category requirements". As the Office Action indicates, Boyden does not teach a flavor search system as claimed and Jelen would not teach one skilled in the art of Boyden's invention to modify Boyden so as to include the claimed search system.

As a result, claim 1 is believed to overcome Boyden in view of Jelen and Applicants respectfully request the outstanding rejection be withdrawn. As to those claims dependent upon independent claim 1, they are also believed to overcome the references of record for at least the reasons presented above and Applicants respectfully request the rejection of these claims also be withdrawn.

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicants' representative at the below number.

Respectfully submitted,

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